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57-2813

Rec'd 1455

CLR 5 1950

Mr. Allen W. Dulles  
Director  
Central Intelligence Agency  
Washington, D. C.

Dear Mr. Dulles:

This Office has been requested by the Attorney General to make a study of what needed executive powers would lapse if the national emergency proclaimed by President Truman on December 16, 1950 were terminated. The Attorney General would like the study approached from two aspects: First, what powers are actually in existence by virtue of that emergency. Second, which of these powers are currently being affirmatively exercised.

Preliminary research indicates that the following statutes which appear to fall within the jurisdiction of your agency may well be applicable during the national emergency declared December 16, 1950:

10 U.S.C. 2304(a)(1)

In addition, you may have had occasion to utilize the following general provisions:

40 U.S.C. 276a-5  
40 U.S.C. 356(j)(1)  
41 U.S.C. 252(c)  
50 U.S.C. App. 643a-c, as  
amended by 67 Stat.120

I should like your legal opinion as to whether you agree that this list is both accurate and complete.

Moreover, by way of specific questions I invite your opinion as to the following inquiries:

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(1) Are there any additional powers possessed by your agency which depend for their existence on this particular emergency? If such exist would you please identify them.

(2) In your opinion should any of the items listed above be eliminated from this category of emergency powers? With respect to those which you feel should be eliminated, would you please indicate briefly the basis for such belief.

(3) Of the powers within your jurisdiction which depend upon this emergency, would you kindly enumerate those which you are currently exercising?

(4) Of those powers within your jurisdiction which depend upon the existence of this emergency, which, in your opinion, ought to be continued in some fashion in the event the emergency was to be terminated?

Since there is some urgency to the finalization of this study I should be grateful if you would treat this matter on an expedite basis.

Sincerely yours,

15/  
W. Wilson White  
Assistant Attorney General  
Office of Legal Counsel